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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX	)	MDL CASE NO.: 05-CV-1699
MARKETING SALES PRACTICES AND	)	
PRODUCT LIABILITY LITIGATION	)	
_____	)	
ANNEN, et al.,	)	CASE NO. CGC-06-456869
	)	MDL Case No. 07-0953 CRB
Plaintiffs,	)	
vs.	)	STIPULATION AND ORDER OF
	)	DISMISSAL WITH PREJUDICE
PFIZER, INC., et al.	)	AS TO PLAINTIFF STEVE SMITH
	)	
Defendants.	)	
_____	)	

COME NOW, Plaintiff STEVE SMITH and Defendants PFIZER, INC., et al., by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE  
AS TO PLAINTIFF STEVE SMITH**

1 hereby stipulate to the dismissal of Plaintiff STEVE SMITH from this action, with prejudice,  
2 each side bearing its own attorney's fees and costs.

3  
4 Respectfully submitted,

5 Dated: September 24 2009

**KABATECK BROWN KELLNER LLP**

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7  
8 By: 

Brian S. Kabateck, Esq.

Attorneys for Plaintiff STEVE SMITH

9  
10  
11 Dated: October 27, 2009

**DLA PIPER LLP**

12  
13 By: /s/

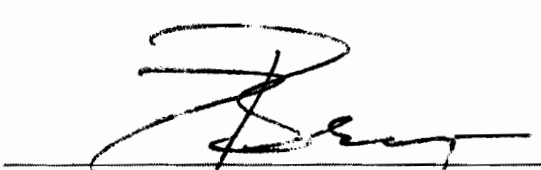
Matthew A. Holian

Attorney for Defendants PFIZER, INC., et al.

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15  
16 **ORDER**

17  
18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**  
19 **SO ORDERED.**

20  
21 Dated: OCT 29 2009

  
Honorable Charles R. Breyer  
United States District Court